

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,339	MAUCKSCH, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Guerrier Merant	2117	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/08/08.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>05/10/06;04/10/06</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>10/05/10</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input checked="" type="checkbox"/> Other <u>PTO 413</u>.</li> </ol> |
|---|---|

/Jeffrey A Gaffin/  
Supervisory Patent Examiner, Art Unit 2100

**DETAILED ACTION**

1. This communication is responsive to 09/08/08. Claims 1-8 are presented for examination.

***Oath/Declaration***

2. The Oath/Declaration, filed 09/08/08, complies with the requirements set forth in MPEP 602 and therefore is accepted.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 04/10/06 & 05/10/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Keth Ditthavong on 10/05/10.

The application has been amended as follows:

Art Unit: 2117

Claim 1. ~~A Method~~ method for testing ~~the error ratio~~ a bit error ratio of a device under test against a specified allowable error ratio comprising ~~with~~ the following steps:

[[ - ]] measuring  $n_s$  samples of the output of the device, thereby detecting  $n_e$  erroneous samples of these  $n_s$  samples [[ , ]];

[[ - ]] defining  $BER(n_e) = n_e/n_s$  as the preliminary error ratio; and

[[ - ]] deciding to pass the device, if the preliminary error ratio  $BER(n_e)$  is smaller than an early pass limit  $EPL(n_e)$ ,

wherein ~~characterized in that~~ the early pass limit is constructed by using an empirically or analytically derived distribution for a specific number of devices each having exactly the specified allowable error ratio by separating a specific portion  $DD$  of the ~~best~~ devices from the distribution for a specific number of erroneous samples  $n_e$ ; and proceeding further with the remaining part of the distribution for an incremented number of erroneous samples,

wherein  $DD$  represents pass probability.

Claim 2. The method for testing the error ratio according to claim 1, ~~characterized in that~~ wherein the first point of the early pass limit is constructed by using an empirically derived distribution with the following steps:

[[ - ]] simulating the error ~~behaviour~~ behavior of a high number of devices each having the specified allowable error ratio,

[[ - ]] noting in a first column of a table the number  $n_1$  of samples until the first error occurs for each individual device,

Art Unit: 2117

[[ -]] calculating the preliminary error ratio BER (ne=1) of the first error by  $BER(ne=1) = 1/n_1$

[[ -]] separating the ~~best~~ DD devices and identifying a separation point, which marks the preliminary error ratio BER(ne=1) of ~~the worst~~ another subset of the DD devices, as the first point EPL(ne=1) of the early pass limit.

Claim 3. ~~The Method~~ **method** for testing the error ratio according to claim 2, ~~characterized in that~~ **wherein** the next point of the early pass limit is constructed by the following steps:

simulating the error ~~behaviour~~ **behavior** of the remaining devices,

noting in the next column of the table the number  $n_i$  of samples until the next error occurs for each individual device,

[[ -]] calculating the preliminary error ratio BER(ne) of the next error by  $BER(ne) = ne / \sum_i n_i$

[[ -]] separating the DD devices and identifying a separation point, which marks the preliminary error ratio BER(ne) of ~~the worst~~ another subset of the DD devices, as the next point EPL(ne) of the early pass limit and repeating the above steps.

Claim 4. ~~The Method~~ **method** for testing the error ratio according to claim 2 ~~or 3~~, ~~characterized in that~~ **wherein** the simulating the error ~~behaviour~~ **behavior** is done with a random generator or a pseudo random generator.

Art Unit: 2117

Claim 5. ~~The Method~~ **method** for testing the error ratio according to claim 1, ~~characterized in that~~ **wherein** the first point of the early pass limit is constructed by using an analytically derived distribution with the following steps:

[[ - ]] defining a first preliminary distribution

$$P_1(ns) = \text{BER} \cdot (1 - \text{BER})^{ns-1}$$

with

BER is the true error ratio of the device and  $P_1$  is the probability to find the first error  $ne = 1$  after ns samples,

[[ - ]] separating the DD ~~best~~ part from the 1-DD ~~worst~~ part of the distribution  $P_1$  and identifying the separation point of the DD ~~best~~ part from the 1-DD ~~worst~~ part as the first point EPL( $ne=1$ ) of the early pass limit and

[[ - ]] defining the 1-DD ~~worst~~ part of the first preliminary distribution  $P_1$  as a first distribution  $U_1$  of undecided devices.

Claim 6. ~~The Method~~ **method** for testing the error ratio according to claim 5, ~~characterized in that~~ **wherein** the next point of the early pass limit is constructed by the following steps:

defining a next preliminary distribution

$$T_2(ns) = U_1(ns) * P_1(ns)$$

With

$T_2(ns)$  is the probability to find the next error after ns samples regarding the loss of the ~~best DUTs~~ specific portion of the devices from the previous step and

~~\* is the convolution operation~~

Art Unit: 2117

- [[ -]] separating the DD ~~best~~ part from the 1-DD ~~worst~~ part of the distribution  $T_2$  and identifying the separation point of the DD ~~best~~ part from the 1 - DD ~~worst~~ part as the next point EPL (ne) of the early pass limit,
- [[ -]] defining the 1-DD ~~worst~~ part of the distribution  $T_2$  as the next distribution  $U_2$  of undecided devices and
- [[ -]] repeating the above steps.

Claim 7. ~~The Method~~ **method** for testing the error ratio according to claim 1, ~~characterized in that~~ **wherein** the specific portion DD devices is selected with regard of the desired selectivity of the test.

Claim 8. ~~The Method~~ **method** for testing the error ratio according to claim 7, ~~characterized in that~~ **wherein** the selectivity of the test is defined as

(pass probability - (the complement of the pass probability, which is the fail probability)) /  
(error ratio of a bad device - specified allowable error ratio).

### ***Allowable Subject Matter***

Claims 1-7 are allowed. The following is an examiner's statement of reasons for allowance: The prior arts of record have failed to provide disclosure or support for the unique feature that is claimed wherein the early pass limit is constructed by using an empirically or analytically derived distribution for a specific number of devices each having exactly the specified allowable error ratio by separating a specific portion DD of the ~~best~~ devices from the distribution for a specific number of erroneous samples  $ne_2$  and

Art Unit: 2117

proceeding further with the remaining part of the distribution for an incremented number of erroneous samples,

wherein DD represents pass probability.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guerrier Merant whose telephone number is (571) 270-1066. The examiner can normally be reached on Monday - Friday. 8:30 AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2117

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Guerrier Merant  
10/05/10

/Jeffrey A Gaffin/  
Supervisory Patent Examiner, Art Unit 2100